

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

ACE MOTOR ACCEPTANCE CORP.	)	
	)	
vs.	)	Civil Action No. 3:18-CV-630-KDB
	)	
MCCOY MOTORS, LLC, et al.	)	
_____	)	

MOTION TO CONTINUE HEARING

COME NOW the Defendants McCoy Motors, LLC, Robert McCoy, Jr., and Misty McCoy, and move this Court to continue the show cause hearing currently scheduled in this matter for Thursday, December 19, 2019 and in support thereof show the Court as follows:

1. On Monday, December 16, 2019, Moving Defendants served an Offer of Judgment on counsel for the Plaintiff in this matter, offering a judgment, jointly and severally, of \$3.6 million to resolve all matters between them in this action.

2. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff has fourteen (14) days to respond to the Offer of Judgment. Upon information and belief, counsel for Plaintiff is seeking the input of counsel for the Creditors Committee and others involved in the base bankruptcy case as to the Offer of Judgment.

3. It would be in the interests of judicial economy to continue the scheduled hearing until the time for the Plaintiff to act on the Offer of Judgment has run.

4. Counsel for the Plaintiff was informed of this Motion and advises that the Plaintiff does not consent.

This the 17th day of December, 2019

**s/ Robert K Trobich**

NC State Bar No. 16190

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# CERTIFICATE OF SERVICE

I certify that this day I electronically filed and served a copy of the foregoing Motion upon each of the parties to this action through the CM/ECF system for the Western District of North Carolina.

This the 17th day of December , 2019

s/ Robert K Trobich  
NC State Bar no. 16190